

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DECLARATION AND POWER OF ATTORNEY**

As named inventors, **Jane Werling, James E. Kipp, Rajaram Sriram, and Mark J. Doty**, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "**METHOD FOR PREPARING SUBMICRON SUSPENSIONS WITH POLYMORPH CONTROL**", filed herewith.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

| Prior Foreign Application(s) |                             |                             | Priority<br><u>Claimed</u> |
|------------------------------|-----------------------------|-----------------------------|----------------------------|
|                              |                             |                             | <u>Yes</u> <u>No</u>       |
| <u>NONE</u>                  | <u>                    </u> | <u>                    </u> |                            |
| Number                       | Country                     | Day/Month/Year Filed        |                            |

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

|                    |                          |
|--------------------|--------------------------|
| <u>60/258,160</u>  | <u>December 22, 2000</u> |
| Application Number | Filing Date              |

We hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

|                    |                           |                |
|--------------------|---------------------------|----------------|
| <u>09/874,637</u>  | <u>June 5, 2001</u>       | <u>Pending</u> |
| Application Number | Filing Date               | Status         |
| <u>09/953,979</u>  | <u>September 17, 2001</u> | <u>Pending</u> |
| Application Number | Filing Date               | Status         |

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

|                      |          |                      |          |                        |          |
|----------------------|----------|----------------------|----------|------------------------|----------|
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| Joseph J. Barrett    | -34,769  | Roger H. Stein       | - 31,882 | Judie D. Dziezak       | - 40,599 |
| Janice Guthrie       | -35,170  | Thomas K. Stine      | - 32,310 | Austin J. Foley        | - 42,543 |
| Charles R. Mattenson | -30,660  | Micheal D. Lake      | - 33,727 | Matthew J. Gryzlo      | - 43,648 |
| Paula J. Kelly       | -37,624  | Joseph A. Fuchs      | - 34,604 | Peter M. Klobuchar     | - 43,722 |
| Jeffrey C. Nichols   | -36,879  | Robert W. Diehl      | - 35,118 | Brent A. Hawkins       | - 44,146 |
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We hereby declare all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

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